

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALI DANIAL HEMANI (1),

Defendant.

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Crim. No. 4:23-cr-18-ALM-KPJ-1

ORDER

On February 8, 2023, Defendant Ali Danial Hemani (“Defendant”) was indicted on one count of violating 18 U.S.C. § 922(g)(3). *See* Dkt. 1. On February 15, 2023, Defendant filed the Motion to Dismiss Indictment (the “Motion”) (Dkt. 12), wherein Defendant argues 18 U.S.C. § 922(g)(3) should be “dismissed as unconstitutionally vague and violative of [Defendant’s] Second Amendment [r]ight based on the framework announced by the Supreme Court in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022).” Dkt. 12 at 1. On February 23, 2023, the Government filed a response (Dkt. 18) arguing: “Nothing in *Bruen* casts doubt on the ability of the federal government to prohibit drug users like [Defendant] from possessing a firearm.” Dkt. 12 at 1. The Court has set a hearing on the Motion (Dkt. 12) for June 8, 2023 at 10:00 a.m.

On April 6, 2023, U.S. District Court Judge Kathleen Cardone found 18 U.S.C. § 922(g)(3) to be unconstitutional and dismissed the defendant’s 18 U.S.C. § 922(g)(3) charge. *See United States v. Connelly*, — F. Supp. 3d —, 2023 WL 2806324, at *12 (W.D. Tex. Apr. 6, 2023). Upon consideration, the Court finds supplemental briefing as to *United States v. Connelly*, — F. Supp. 3d —, 2023 WL 2806324 (W.D. Tex. Apr. 6, 2023) would be helpful.

IT IS ORDERED that Defendant file supplemental briefing, no more than ten (10) pages in length, as to *United States v. Connelly*, — F. Supp. 3d —, 2023 WL 2806324 (W.D. Tex. Apr. 6, 2023) no later than **May 29, 2023**. The Government shall file responsive briefing, if any, no more than ten (10) pages in length no later than **June 5, 2023**.

So ORDERED and SIGNED this 22nd day of May, 2023.

A handwritten signature in black ink, appearing to read 'KLPJ', is written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE